

REMARKS

Figures 1A-E and 2A-D as filed February 3, 2003, have been amended to omit extraneous language in the figure legends and are submitted herewith as replacement Figures 1A-E and 2A-D. Therefore, the amendments to Figures 1A-E and 2A-D do not introduce new matter.

Claims 1-112, 133-144, and 305-386 are canceled herein. Claims 113-132, 145-304, and 387-446 remain pending. The sole outstanding rejection of claims 113-132, 145-304, and 387-446 is a provisional double patenting rejection over the claimed invention in the following copending U.S. Applications: 09/257,272; 09/935,726; 09/107,997; 10/060,523 and 10/127,551.

With respect to the double patenting rejection over Application Serial Nos. 09/257,272; 09/935,726 and 09/107,997, Applicants agree to file a Terminal Disclaimer in the present application over any claims in these copending applications that are or will be allowed/issued prior to allowance of the instant application. In this respect, Applicants note that Application Serial Nos. 09/257,272 and 09/935,726 have been allowed. Therefore, Applicants will file a Terminal Disclaimer over the claims in Application Serial Nos. 09/257,272 and 09/935,726. Applicants further note Application Serial No. 09/107,997 is still pending.

With respect to the double patenting rejection over Application Serial No. 10/060,523, Applicants note that Application Serial No. 10/060,523 has been abandoned. Therefore this provisional double patenting rejection is now moot.

With respect to the rejection of claims 62-89 and 111-150 over claim 86 of copending Application No. 10/127,551, Applicants request clarification. As discussed in the Office Action mailed on April 17, 2003, claim 86 of the '551 Application is directed towards a method of stimulating endothelial cell proliferation. Furthermore, according to the April 17, 2003 Office Action, the rejected claims "recite methods of stimulating angiogenesis" and alleges that administering VEGF-2 to a patient "would inherently have the same effect" (i.e., would result in stimulation of endothelial cell proliferation).

Applicants respectfully submit that claims 113-125 and 145-150 of the present application are erroneously included in this rejection as they are directed towards a purified protein, not a method of stimulating angiogenesis. Claims 1-112 and 133-144 are

canceled. Therefore, the double patenting rejection of these claims is improper. Applicants do not contest the provisional double patenting rejection of claims 125-132 over claim 86 of copending Application No. 10/127,551. Applicants therefore agree to file a Terminal Disclaimer in the present application over claim 86 of copending Application Serial No. 10/127,551 if it is allowed and/or issued prior to allowance of the instant application.

CONCLUSION

In view of the foregoing remarks Applicants believe they have fully addressed the Examiner's concerns and that this application is now in condition for allowance. An early notice to that effect is urged. A request is made to the Examiner to call the undersigned at the phone number provided below if any further action by Applicants would expedite allowance of this application.

If there are any fees due in connection with the filing of this paper, please charge the fees to our Deposit Account No. 08-3425. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Dated: January 21, 2005

Respectfully submitted,

By 

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Amendments to the Figures

Please replace Figures 1A-E as filed February 3, 2003, with the attached replacement Figures 1A-E submitted herewith.

Please replace Figures 2A-D as filed February 3, 2003, with the attached replacement Figures 2A-D submitted herewith.